

**Testimony of Supervisor County
California State Association of Counties (CSAC)**

**California Performance Review Commission
Hearing on Resources Conservation and Environmental Protection**

**September 17, 2004
Fresno, California**

Good morning. My name is Gary Gilbert. I am a county supervisor in Madera County and am testifying today on behalf of the California State Association of Counties (CSAC). I am a member of CSAC's Agriculture and Natural Resources Policy Committee and I also serve as CSAC's representative on the National Association of Counties' Western Interstate Region's Board of Directors.

Thank you very much for the opportunity to appear before you today and provide the counties' perspective on the CPR. Counties are very supportive of this effort to comprehensively examine how the State does business. As in other policy arenas being addressed by CPR, we are very interested in the CPR efforts to create a cohesive and coordinated approach to environmental protection and resource management.

Currently, CSAC is undertaking a comprehensive approach in reviewing the CPR. Each of CSAC's six policy committees will review the report and make recommendations to CSAC's Board of Directors. This process is just getting underway within the association. As such, CSAC does not have formal positions or recommendations. However, we are in position to provide our initial reactions and suggestions based on our existing policies.

Reorganization

Before addressing the reorganization topic, I want to let you know how pleased CSAC is with the recommendation that an Office of Intergovernmental Affairs be established within the Governor's Office. We truly appreciate the recognition

that counties do indeed have a unique relationship with the state that needs to be formalized in the state's structure.

CSAC has not completed a detailed analysis of the reorganization and how it may affect California counties. We have, however adopted an overarching policy to support transparent streamlined government that efficiently and effectively provides services to Californians. With this policy direction as our guiding post, we will evaluate the merits of individual reorganization recommendations that have a direct nexus to county government.

Before I offer remarks on the policy changes recommended by the CPR, I would like to note CSAC's significant interest in the one reorganization proposal that would consolidate all roles, functions, and responsibilities for statewide fire protection and emergency management into a new division of Fire Protection and Emergency Management within the proposed Department of Public Safety and Homeland Security (DPSHS). While we have yet to finalize our position on this specific recommendation, we would encourage the commission and the Administration to ensure that broader policy changes concerning wildland urban interface fires and fuels management, are components of the proposed restructuring. Our commitment to and interest in these issues are demonstrated in the recent policy statement jointly adopted by CSAC and the League of California Cities which was positively recognized by the Governor in the California Fire Prevention and Suppression Action Plan just released on September 10.

Policy Recommendations

In respect to CPR policy recommendations, CSAC is focusing its remarks on the following issues: consolidating services and streamlining state processes; land acquisition; the Department of Fish and Game's environmental filing fees; and siting of energy and petroleum infrastructure. We provide these comments from two fairly distinct perspectives: counties as lead agencies in the land use decision-making process and as public project proponents.

Consolidating Services and Streamlining State Processes

Although CSAC does not currently have a position on the various CPR recommendations that call for the consolidation of certain programs we are conceptually supportive of the CPR recommendations that aim to eliminate overlapping and duplicative functions of certain state agencies. We believe that this effort to create a more cohesive governmental structure will be to the benefit both public and private service recipients.

As proponents of important public projects, counties have expressed to CSAC their continued frustration with the time-consuming, costly and complex state environmental regulatory processes. Whether a county project involves siting a new recycling facility, clearing debris from clogged streambeds, or obtaining state agency comments on environmental documents, any delays can have serious repercussions to service levels and to the public health and safety.

Consequently, we view the CPR recommendation to establish a single point of contact for inquiries regarding all state environmental program requirements, as a positive first step towards creating a more accessible and understandable regulatory climate.

Land Acquisition and Conservation

The CPR contains several recommendations related to how the state acquires and conserves land for resources-related purposes. Currently, CSAC does not have a position on the specific recommendations concerning the administrative processes for the state's land acquisition programs. We do, however, have very strong policy direction on the overall topic of state and federal land acquisition of private lands and the interaction with the local land use decision-making process. Specifically, we would recommend that changes to the state's administrative processes for land acquisitions be accompanied by broader policy considerations. For example, the state should be required to demonstrate conclusively an integrated program of land use and the need for the acquisition before being permitted to purchase. Management plans and budgetary

information should be required on all lands proposed for acquisition by state agencies, prior to such acquisition, so that they can be made part of the public hearing process. We feel very strongly that all plans by the state for acquisition should be coordinated and compatible with local general plans and zoning.

We would also like to point out, that the practice of government funding through grants or other means to organizations and foundations in order to purchase private land that will be resold or donated to some governmental entity threatens to diminish the tax base of local units of government. As a result, counties' tax base should be kept whole in the event of federal or state purchase of land.

Department of Fish and Game Environmental Filing Fees

The CPR recommends improving collection of Department of Fish and Game fees for review environmental reports in order that they better reflect the complexity and potential impact of projects subject to the fee. Instead of basing the fees on a proposed project's level of complexity, we would recommend that the fees be based on the level of service provided by the department. It is absolutely unreasonable to authorize the department to charge higher fees without a corresponding improvement in the level of service.

The CPR also recommends providing a fiscal incentive to encourage local agencies, which are responsible for collecting the fees on behalf of the Department of Fish and Game (DFG), to increase collection efforts. Although we have historically been opposed to being given this role as fee collector for the state, we appreciate the incentive-based approach taken by CPR and will gladly work with the Administration to come up with an equitable solution.

Siting of Energy and Petroleum Infrastructure

The CPR recommends consolidating energy-related siting functions of the California Energy Commission and the Public Utilities Commission (including power plant siting and power transmission line siting) under one department. It further recommends streamlining the petroleum infrastructure permitting processes by creating a single state entity to coordinate multi-jurisdictional permitting processes.

As I have previously stated, CSAC has yet to take a position on the various proposal to consolidate the functions of various boards, commissions and departments, etc. This remains true relative to the proposed restructuring of the energy-related permitting functions. However, given our strong local control foundation we would have concerns with any restructuring that would limit and/or eliminate local governments' role in the siting and permitting process.

Miscellaneous CPR Resource Conservation and Environmental Protection Recommendations

Other recommendations by CPR that CSAC would like to indicate its conceptual support for include:

- Directing the Resources Agency, or its successor, to adopt draft amendments to the pending California Environmental Quality Act Guidelines.
- Elimination of the requirement for the California Integrated Waste Management Board to concur in the issuance of solid waste facility permits.
- Repeal of reporting requirements that are duplicative or unnecessary.
- Amending the Integrated Waste Management Act to provide more flexibility to determine rural jurisdictional compliance with mandated waste diversion goals.

In closing, on behalf of CSAC, I would like to thank all those involved in the California Performance Review. We sincerely appreciate the amount of time and effort devoted to this ambitious endeavor, and look forward to working with the Administration, the Legislature, and other stakeholders in building upon and improving California's current approach to resource management and environmental protection.